

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WODIKA DEVINE, INC.,

Plaintiff,

CIVIL ACTION NO. 08-CV-12846-DT

VS.

DISTRICT JUDGE ROBERT H. CLELAND

KUJI SPORTS CO., LTD.,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

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**ORDER ON POST-JUDGMENT CALCULATION OF
DAMAGES AND ATTORNEY FEES**

This matter comes before the Court pursuant to a referral from Judge Cleland to conduct necessary proceedings and submit a Report and Recommendation regarding the calculation of damages and attorney fees in this action. (Docket no. 20). Plaintiff's counsel submitted a Post Judgment Calculation of Damages and Attorney Fees on April 2, 2009. (Docket no. 22). Defendant has not filed any relevant material. The Court finds that Plaintiff's submission is inadequate and requires supplementation.

Plaintiff's submission lists several amounts due but fails to include evidentiary support or legal argument. Plaintiff will be given the opportunity to submit legal argument and evidence supporting its claim for unpaid commissions of \$14,602.40, showing an intentional failure to pay these amounts under Mich. Comp. Laws § 600.2961, showing that statutory interest of \$1,543.16 is proper, discussing the amount requested for reasonable attorney fees as required by *Smith v. Khouri*, 481 Mich. 519 (2008), or showing that such discussion is not necessary due to counsel's

contingency fee arrangement in this case, and supporting the amount of claimed court costs. Defendant may respond to Plaintiff's submission.

IT IS THEREFORE ORDERED that on or before May 6, 2009 Plaintiff submit support for its post-judgment calculation of damages and attorney fees as set out above. Defendant may respond on or before May 20, 2009.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: April 21, 2009

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE